

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUCHI M. FITZGERALD,

Defendant.

CR 14-24-BLG-TJC

**ORDER GRANTING
MOTION FOR EARLY
TERMINATION OF
PROBATION**

On March 26, 2014, Defendant Ruchi M. Fitzgerald pled guilty to possession of a controlled substance in violation of 21 U.S.C. § 844. (Doc. 10.) The Honorable Carolyn S. Ostby sentenced Defendant to five years of probation. (Doc. 11.) The Court also imposed a fine in the amount of \$75,000.00 and a \$25.00 special assessment fee. (*Id.*) Defendant has now completed approximately 3 years of her probation, and has paid the fine and special assessment fee in full.

On March 31, 2017, Defendant filed a Motion for Early Termination of Probation. (Doc. 18.) The Government has filed an Opposition. (Doc. 22.) United States Probation Officer Joseph L. Melberg, who has been supervising Defendant, submitted a response, indicating the Probation Office supports early termination.

After considering the factors set forth in 18 U.S.C. 3553(a), the Court may “terminate a term of probation previously ordered and discharge the defendant at

any time in the case of misdemeanor . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3564(c). A hearing is not required where, as here, Defendant has specifically waived the requirement for a hearing under Fed.R.Crim.P. 32.1(c)(2)(A).

The Court has considered Defendant’s motion, including the letters submitted on her behalf by Michael Ramirez, Clinical Director for the Montana Professional Assistance Program, her husband, Jason Fitzgerald, and her sponsor, Christy E. The Court has also considered the Government’s response, and the Probation Officer’s report. Upon consideration of this information, the Court finds that in light of Defendant’s exemplary conduct while on probation, her voluntary entrance into a life-long contract with the Montana Professional Assistance Program for monitoring and random drug screens, and the impact of continued probation on her career and employment prospects, the interests of justice warrant early termination of probation in this case.

Accordingly, IT IS HEREBY ORDERED that Defendant’s period of probation is hereby terminated as of the date of this Order.

DATED this 14th day of June, 2017.



TIMOTHY J. CAVAN
United States Magistrate Judge